



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/674,651	11/02/2000	Nobuyuki Kihara	450106-02443	1297

20999 7590 04/20/2005

FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER

CALLAHAN, PAUL E

ART UNIT PAPER NUMBER

2137

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/674,651	<b>Applicant(s)</b> KIHARA ET AL.	
	<b>Examiner</b> Paul Callahan	<b>Art Unit</b> 2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 22 November 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-26 is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

K

### DETAILED ACTION

1. Claims 1-26 are pending in this application and have been examined.

#### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 4-8, and 11-14 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by McCalmont et al. US 4,433,211.

As for claims 1 and 8, McCalmont teaches a recording apparatus (abstract), comprising: compression process means for compressing an input digital signal corresponding to a predetermined compression process (col. 1 lines 25-33, 57-61, col. 2 lines 55-68) and segmenting the compressed digital signal into blocks (col. 1 lines 57-61); fixed value generating means for generating a predetermined fixed value (col. 1 lines 61, col. 2 lines 65-67); adding means for adding the fixed value generated by said fixed value generating means at a predetermined timing to the blocks of the digital signal compressed by said compression process means (col. 3 lines 33-38); encrypting means for encrypting the fixed value and the compressed digital signal added by said

Art Unit: 2137

adding means (col. 3 lines 33-38); and recording- means for recording the fixed value and the compressed digital signal encrypted by said encrypting means to a record medium (col. 3 lines 39-46).

As for claims 4 and 11, McCalmont teaches the recording apparatus as set forth in claim 1, wherein the fixed value generated by said fixed value generating means is varied corresponding to a compression rate (col. 2 lines 65-68, col. 3 lines 1-8).

As for claims 5 and 12, McCalmont teaches the recording apparatus as set forth in claim 1 wherein the digital signal is a digital audio signal (abstract), and wherein the fixed value generated by said fixed value generating means is varied corresponding to a channel (col. 3 lines 8-16).

As for claims 6 and 13, McCalmont teaches the recording apparatus as set forth in claim 1 wherein when a plurality of blocks of the compressed digital signal compose the minimum encrypting unit, the fixed value is added to the first block of the plurality of blocks by said adding means (col. 3 lines 32-38).

As for claims 7 and 14, McCalmont teaches the recording apparatus as set forth in claim wherein the fixed value is added to all blocks of the plurality of blocks by said adding means (col. 2 lines 32-38).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 3, 9, and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over McCalmont.

McCalmont does not explicitly teach the recording apparatus as set forth in claim 1, wherein the record medium is attachable/detachable to/from the recording apparatus or a non-volatile memory. However Official Notice may be taken that such recording media are old and well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate these features into the system of McCalmont. It would have been desirable to do so as the use of these media would increase the utility of the system and hence it's marketability.

***Allowable Subject Matter***

6. Claims 15-26 are allowed.

***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following US Patent document teaches features pertinent to the applicant's invention:

Art Unit: 2137

Miller 3,723,878

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul E. Callahan whose telephone number is (571) 272-3869. The examiner can normally be reached on M-F from 9 to 5.

If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, Andrew Caldwell, can be reached on (571) 272-3868. The fax phone number for the organization where this application or proceeding is assigned is: (703) 872-9306. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

4-15-2005

*Paul Callahan*